

PATENT COOPERATION TREATY

TRANSLATION

PCT

From the
INTERNATIONAL SEARCHING AUTHORITY

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing (day/month/year)	20.03.2005
FOR FURTHER ACTION See paragraph 2 below	

Applicant's or agent's file reference		
International application No. PCT/ES2005/000031	International filing date (day/month/year) 25.01.2005	Priority date (day/month/year) 27.01.2004
International Patent Classification (IPC) or both national classification and IPC EO4F15/024		
Applicant SISPEL SUMINISTRO E INSTALACIONES, S.L.		

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ES	Authorized officer
Facsimile No.	Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/ES2005/000031

Box No. 1

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language
_____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/ES2005/000031

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>1, 2</u>	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	<u>1, 2</u>	NO
Industrial applicability (IA)	Claims	<u>1, 2</u>	YES
	Claims		NO

2. Citations and explanations:

Documents taken into consideration:

Doc	Publication or Identification No	Pub. date
D1	US 6647684 B1	18 November 2003
D2	US 2002/0148129 A1	17 October 2002
D3	GB 2309042 A	16 July 1997

The present application relates to a modular access floor covering, designed to cover a flat, preferably horizontal surface. Claim 1 states that said covering is characterized in that "it consists of sections of hexagonal shape whose long sides are straight and parallel while the ends of the four remaining sides are positioned in pairs at an angle of 90° and incorporating, at each of the ends of the shorter sides, a recess having similar dimensions to those of a tongue positioned on the adjacent side, and the bodies being sub-divided into two trapezoidal areas by means of a longitudinal rib which has a longitudinal split line along its sides". Claim 2, which is dependent on claim 1, claims the incorporation of "laminar constituent elements of the covering" between the elements characterized in claim 1 which "make up a quadrangular lattice".

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/ES2005/000031

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

Document D1 is regarded as the closest prior art to the subject matter of both claims, and discloses elements which, when joined, form a quadrangular lattice that serves as a support frame for the "laminar constituent elements of the covering" as claimed in claim 2 of the application (column 1, lines 47-49 and lines 65 and 66 and figures 1 and 4).

Likewise, each of these elements is "of hexagonal shape" and its "long sides are straight and parallel while the ends of the four remaining sides are positioned in pairs at an angle of 90°" (column 1, lines 50-52 and figures). Each of the ends of the smaller sides has a hollow or hole having "similar dimensions" to a peg "positioned on the adjacent side" (column 1, lines 53-55 and figures). Although the application mentions a "recess" and "tongue" and in this document there are a peg and a hole, the difference between them does not involve any inventive step but, in fact, the use of recesses and tongues like those used in the application is common in the technical field of the invention, both for the joining of flooring tiles and even for the joining of elements forming the frame of an access floor covering, as can be seen in D3, figure 2.

Again with reference to the features claimed in claim 1 of the application, the "bodies" or sections are subdivided "into two trapezoidal areas by a longitudinal rib", a feature which is also present in document D1 (see figures).

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/ES2005/000031

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

While all these features are present in claim 1, there is also another feature not present in D1, which is that it "has a longitudinal split line along its sides". However, these features have already been used for the same purpose in document D2, page 3, paragraph 49 and figure 9. It would therefore be obvious for the person skilled in the art, especially when seeking to obtain the same result, to apply these features with corresponding effect to document D1, in such a way as to arrive at what is claimed in claim 1. Therefore, the subject matter of claim 1 does not involve an inventive step (PCT Article 33(3)).

Dependent claim 2 does not contain any feature which, in combination with the features of claim 1 on which it depends, meets the requirements of the PCT in respect of novelty and/or inventive step, for the reasons explained above with respect to document D1.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/ES2005/000031

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

In accordance with PCT Rule 10.2, the terminology and signs must be consistent throughout the application. This requirement is not met owing to the use of the terms "sections" and "bodies" for the same feature (see claim 1).

PATENT COOPERATION TREATY

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Applicant SISPEL SUMINISTRO E INSTALACIONES, S.L.

<p>1. This opinion contains indications relating to the following items:</p> <table style="width: 100%;"> <tr> <td style="width: 10%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 20%;">Box No. I</td> <td>Basis of the opinion</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table> <p>2. FURTHER ACTION</p> <p>If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.</p> <p>If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.</p> <p>For further options, see Form PCT/ISA/220.</p> <p>3. For further details, see notes to Form PCT/ISA/220.</p>	<input checked="" type="checkbox"/>	Box No. I	Basis of the opinion	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input checked="" type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application	
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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

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Box No. I

Basis of this opinion

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>1, 2</u>	YES
	Claims _____	NO
Inventive step (IS)	Claims _____	YES
	Claims <u>1, 2</u>	NO
Industrial applicability (IA)	Claims <u>1, 2</u>	YES
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2. Citations and explanations:

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Dependent claim 2 does not contain any feature which, in combination with the features of claim 1 on which it depends, meets the requirements of the PCT in respect of novelty and/or inventive step, for the reasons explained above with respect to document D1.

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